IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 7534 of 2007(V)

PETITIONER:

VINODKUMAR P., S/O. P.PRABHAKARAN,
AGED 36 YEARS, RESIDING AT PLATHOTTATHIL HOUSE,
KUZHIMATTOM P.O., KOTTAYAM.

BY ADV. SMT.REKHA VASUDEVAN
SRI.P.A.KUMARAN

RESPONDENTS:

1.KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

2.THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, KOTTAYAM.

BY ADV.MR.P.C.SASIDHARAN, S.C., P.S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.7534 of 2007

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Dated: 6th March, 2007

JUDGMENT

Not admitted. Adv.Mr.P.C.Sasidharan, Standing Counsel takes notice on behalf of the Kerala Public Service Commission.

2. The petitioner has been included in the panel of provisional Drivers in the Kottayam Depot of the K.S.R.T.C. on 7.1.1999 as will be clear from Ext.P1 certificate issued by the D.T.O., Kottayam. While continuing to serve the K.S.R.T.C. as a provisional Driver he met with an accident in a collusion between the bus driven by him and a private bus and sustained severe injuries on his right leg. He submits that he was treated as an inpatient from 27.7.2006 to 4.9.2006 and to undergo a surgery for the fracture sustained on his right leg. Ext.P3 certificate issued by the Assistant Professor of Orthopaedics, Medical College, Kottayam is relied on. While he was undergoing treatment he was issued with an admission ticket by the P.S.C. for practical test for the post of Reserve Drivers to be conducted on 9.3.2007. Ext.P4 is copy of that admission ticket. The petitioner submits that he approached the 2nd respondent, the District Officer of the Public Service Commission orally seeking grant of exemption for the time being for appearing from the practical test. Since the request was turned down, he submitted written representation Ext.P5 before

the 1st respondent. He submits that this is the last chance for him to appear for a P.S.C. test as he would be age over for the next test. He continues to be in the panel of Provisional Drivers and ready to undergo the practical test once he complete his physio therapy for which some three more months will be required. On the above facts, he prays that it may be declared that he is eligible to get exemption from appearing for the practical test for the post of Reserve Driver in the K.S.R.T.C. which is to be conducted on 9.3.2007 by the 2nd respondent. He also prays for a writ of mandamus commanding the respondents 1 and 2 to grant the petitioner exemption for a period of six months from the practical test for the post of Reserve Driver in the K.S.R.T.C. which is to be conducted on 9.3.2007 taking into account Ext.P1 experience certificate and to include him provisionally in the rank list.

2. Heard Smt.Rekha Vasudevan, learned counsel for the petitioner and Mr.P.C.Sasidharan, Standing Counsel for the Public Service Commission.

3. Even though Smt.Rekha Vasudevan was very persuasive in her submissions and I also feel that the petitioner was extremely unlucky to have met with an accident resulting in serious bodily

injuries to him at this point of time when his last chance for appearing in a P.S.C. text falls due, I do not find way to grant him the reliefs sought for. The Public Service Commission cannot be faulted for insisting that the petitioner has to present himself for practical test for inclusion in the rank list. Even as I dismiss the Writ Petition, I direct the Public Service Commission to consider Ext.P5 representation with as much sympathy as it deserves and pass orders on the same and communicate those orders to the petitioner. His request for exemption from appearing for practical test to be conducted on 9.3.2007 will be dependent on the decision to be taken by the Public Service Commission upon Ext.P5.

srd **PIUS C.KURIAKOSE, JUDGE**